OFFERYNNAU STATUDOL CYMRU

2010 Rhif 729 (Cy.70)

Y GWASANAETH IECHYD GWLADOL, CYMRU

Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) (Diwygiadau Amrywiol) (Cymru) 2010

Gwnaed - - - -	*10 Mawrth 2010*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru - -	*11 Mawrth 2010*
Yn dod i rym - -	*1 Ebrill 2010*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd gan adrannau 44(1), 47, 49 a 203(9) a (10) o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(**1**).

RHAN 1

CYFFREDINOL

Enwi, cychwyn, cymhwyso a dehongli

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Meddygol Sylfaenol) (Diwygiadau Amrywiol) (Cymru) 2010 a deuant i rym ar 1 Ebrill 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn y Rheoliadau hyn ystyr "Rheoliadau Contractau GMS" ("*GMS Contracts Regulations*") yw Rheoliadau'r Gwasanaeth Iechyd Gwladol (Contractau Gwasanaethau Meddygol Cyffredinol) (Cymru) 2004(**2**).

RHAN 2

DIWYGIO'R RHEOLIADAU CONTRACTAU GMS

Diwygio rheoliad 2

2. Yn rheoliad 2(1) (dehongli) o'r Rheoliadau Contractau GMS—

(**1**) 2006 p.42.
(**2**) O.S. 2004/478 (Cy.48).

(a) yn lle'r diffiniad o "the 2003 Order" rhodder–

""the 2010 Order" means the Postgraduate Medical Education and Training Order of Council 2010(**3**);";

(b) hepgorer y diffiniadau o "FHSAA" a "medical officer"; ac

(c) yn y diffiniad o "national disqualification", yn is-baragraff (c), yn lle "is treated as a national disqualification by the FHSAA" rhodder "was treated as a national disqualification by the Family Health Services Appeal Authority(**4**)".

Diwygio rheoliad 4

3.—(1) Diwygir rheoliad 4 (amodau: cyffredinol) o'r Rheoliadau Contractau GMS fel a ganlyn.

(2) Yn lle paragraff (4), rhodder—

"(4) In paragraphs (1), (2)(a) and (3)(a), "general medical practitioner" does not include a medical practitioner whose name is included in the General Practitioner Register by virtue of—

(a) article 4(3) of the 2010 Order (general practitioners eligible for entry in the General Practitioner Register) because of an exemption under regulation 5(1)(d) of one or more of the sets of Regulations specified in paragraph (5);

(b) article 6(2) of the 2010 Order (persons with acquired rights) by virtue of being a restricted services principal (within the meaning of one or more of the sets of Regulations specified in paragraph (6)) included in a list specified in that article; or

(c) article 6(6) of the 2010 Order.".

(3) Ym mharagraff (5), yn lle "paragraph (4)(a)(iii) and (b)(i)(bb)" rhodder "paragraph (4)(a)".

(4) Yn lle paragraff (6), rhodder—

"(6) The Regulations referred to in paragraph (4)(b) are the National Health Service (General Medical Services) Regulations 1992, the National Health Service (General Medical Services) (Scotland) Regulations 1995 and the General Medical Services Regulations (Northern Ireland) 1997.".

Diwygio rheoliad 5

4. Yn rheoliad 5 (amod cyffredinol yn ymwneud â phob contract) o'r Rheoliadau Contractau GMS, ym mharagraff (2)(j)(ii), ar ôl "(powers of the Court of Session to deal with management of charities)", rhodder "or under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(**5**) (powers of Court of Session)".

Diwygio rheoliad 21

5. Yn rheoliad 21 (tystysgrifau) o'r Rheoliadau Contractau GMS, yn lle paragraff (2), rhodder—

"(2) The exception in paragraph (1)(a) does not apply where the certificate is issued in accordance with regulation 2(1) of the Social Security (Medical Evidence) Regulations 1976(**6**) (evidence of incapacity for work, limited capability for work and confinement) or

(**3**) O.S. 2010/473.
(**4**) Cafodd yr Awdurdod Apelau Gwasanaethau Iechyd Teulu ei gyfansoddi o dan adran 49S o Ddeddf y Gwasanaeth Iechyd Gwladol 1977 (p.49) a'i ddileu ar 18 Ionawr 2010 gan erthygl 3 o Orchymyn Trosglwyddo Swyddogaethau Tribiwnlysoedd 2010 (O.S. 2010/22).
(**5**) 2005 dsa 10.
(**6**) O.S. 1976/615. Amnewidiwyd rheoliad 2(1) gan O.S. 2010/137.

regulation 2(1) of the Statutory Sick Pay (Medical Evidence) Regulations 1985(**7**) (medical information).".

Diwygio Atodlen 6

6.—(1) Diwygir Atodlen 6 (telerau contractiol eraill) o'r Rheoliadau Contractau GMS fel a ganlyn.

(2) Ar ôl paragraff 1A (gwasanaethau ffôn), rhodder—

"**Cost of relevant calls**

1B.—(1) The contractor must not enter into, renew or extend a contract or other arrangement for telephone services unless it is satisfied that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number.

(2) Where a contractor is party to an existing contract or other arrangement for telephone services under which persons making relevant calls to the practice call a number which is not a geographical number, the contractor must comply with sub-paragraph (3).

(3) The contractor must—

(a) before 1 April 2011, review the arrangement and consider whether, having regard to the arrangement as a whole, persons pay more to make relevant calls than they would to make equivalent calls to a geographical number; and

(b) if the contractor so considers, take all reasonable steps, including in particular considering the matters specified in sub-paragraph (4), to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls than they would to make equivalent calls to a geographical number.

(4) The matters referred to in sub-paragraph (3)(b) are—

(a) varying the terms of the contract or arrangement;

(b) renegotiating the terms of the contract or arrangement; and

(c) terminating the contract or arrangement.

(5) If, despite taking all reasonable steps referred to in sub-paragraph (3)(b), it has not been possible to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the practice than they would to make equivalent calls to a geographical number, the contractor must consider introducing a system under which if a caller asks to be called back, the contractor will do so at the contractor's expense.

(6) In this paragraph—

(a) "existing contract or other arrangement" means a contract or arrangement that was entered into prior to 1 April 2010 and which remains in force on 1 April 2010;

(b) "geographical number" means a number which has a geographical area code as its prefix; and

(c) "relevant calls" means calls—

(i) made by patients to the practice for any reason related to services provided under the contract, and

(ii) made by persons, other than patients, to the practice in relation to services provided as part of the health service.".

(**7**) O.S. 1985/1604. Amnewidiwyd rheoliad 2(1) gan O.S. 2010/137.